

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK----- X  
NYEEM WARD

Plaintiff,

- against -

Index # \_\_\_\_\_

**VERIFIED COMPLAINT**THE CITY OF NEW YORK, THE NEW YORK  
DEPARTMENT OF CORRECTIONS, AND THE NEW  
YORK CITY POLICE DEPARTMENT,  
and various officers whose identities are presently unknownDefendant.  
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Plaintiff, NYEEM WARD, by and through his attorney, Aaron M. Wallenstein, Esq.,  
complaining against defendants, sets forth the following, upon information and belief:

1. Plaintiff, NYEEM WARD, is a resident of the County of Queens, City, and State of New York. The incident in which he was injured occurred in New York County New York
2. Defendant, THE CITY OF NEW YORK, was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.
3. Defendant, THE NEW YORK CITY DEPARTMENT OF CORRECTIONS and all its employees, is a department of and is under the control of defendant, THE CITY OF NEW YORK.
4. Defendant, THE NEW YORK CITY POLICE DEPARTMENT and all its employees, is a department of, and is under the control of defendant, THE CITY OF NEW YORK.
5. On or about March 1, 2013, within ninety (90) days of the happening of the occurrence referred to herein, the plaintiff duly served a verified Notice of Claim upon

defendants notifying said defendants of this claim, as required by Section 50-E of the General Municipal Law of the State of New York.

6. On or about the 13<sup>th</sup> day of January, 2014, a statutory hearing of plaintiff, NYEEM WARD, was held pursuant to Section 50-H of the General Municipal Law of the State of New York.

7. More than thirty (30) days have elapsed since service of the aforesaid Notice of Claim and the claim has not been adjusted or paid.

8. This action has been commenced within one (1) year and ninety (90) days from the date of accrual of plaintiff's claims herein.

FIRST CAUSE OF ACTION – FALSE ARREST / IMPRISONMENT

9. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs numbered "1" through "8" of this complaint with the same force and effect as if more fully set forth herein at length.

10. On or about January 13, 2013, plaintiff was arrested, taken into custody and falsely imprisoned against his will and rights, without any warrant authorizing his arrest or probable cause for the same.

11. Upon information and belief, plaintiff was arrested, taken into custody, and falsely imprisoned against his will and rights.

12. By reason of the wrongful, wanton and malicious acts and/or omissions of the agents, servants and/or employees of the defendants, plaintiff was unlawfully and wrongfully deprived of his liberty and compelled to remain confined in a correction facility against his will and without authority of law from January 13, 2013 through January 18, 2013.

13. By reason of the foregoing, plaintiff was wrongfully deprived of his liberty, and

has been injured, humiliated, has suffered mental and physical distress, has had his character and reputation injured, was subject to disgrace, and was otherwise damaged.

#### SECOND CAUSE OF ACTION - NEGLIGENCE

14. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs numbered "1" through "13" with the same force and effect as if more fully set forth herein at length.

15. The unlawful and unjustified imprisonment of plaintiff was caused solely by the negligence, carelessness and/or recklessness of the defendants, their agents, servants and/or employees, in failing to properly hire, supervise and train its employees; in failing to properly identify that plaintiff had done nothing improper; in disregarding the plaintiff's claims that she did nothing wrong; in causing, allowing and/or permitting plaintiff to be improperly detained and imprisoned from January 13, 2013 through January 18, 2013.

16. By reason of the foregoing, plaintiff was wrongfully deprived of his liberty, and has been injured, humiliated, has suffered mental and physical distress, has had his character and reputation injured, was subject to disgrace, and was otherwise damaged.

#### THIRD CAUSE OF ACTION – CIVIL RIGHTS VIOLATION

17. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs numbered "1" through "16" with the same force and effect as if more fully set forth herein at length.

18. As a result of the foregoing, the defendants, their agents, servants and/or employees violated the plaintiff's rights under the Constitution of the United States pursuant to 42 USC 1983 and the Constitution and statutes of the State of New York.

19. By reason of the foregoing, plaintiff was wrongfully deprived of his liberty, and

has been injured, humiliated, has suffered mental and physical distress, has had his character and reputation injured, was subject to disgrace, and was otherwise damaged.

**FOURTH CAUSE OF ACTION – MALICIOUS PROSECUTION**

20. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs numbered "1" through "19" with the same force and effect as if more fully set forth herein at length.

21. Plaintiff was subjected to wrongful and malicious prosecution from his arrest date, January 13, 2013 until his case was finally dismissed on January 18, 2013 by defendants through its agents, servants, and/or employees acting within the scope of their employment and during the course of duty required by their employment..

22. Said malicious prosecution was excessive and was beyond privilege which may have existed, though it is alleged that the arrest was unlawful.

23. By reason of the foregoing, plaintiff was wrongfully deprived of his liberty, and has been injured, humiliated, has suffered mental and physical distress, has had his character and reputation injured, was subject to disgrace, and was otherwise damaged.

**WHEREFORE**, plaintiff, NYEEM WARD, demands judgment against defendant in an amount that is in excess of the jurisdictional limits of all lower courts in which this action could otherwise have been brought together with costs, interest and disbursements of this action and for such other and further relief as to this Court may deem just, proper and equitable.

Dated: New York, New York  
April 11, 2014

AARON M. WALLENSTEIN, Esq.

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Attorney for Plaintiff  
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